

**FILED**

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General  
JONATHAN D. COOPER  
Deputy Attorney General  
State Bar No. 141461  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
Facsimile: (415) 703-5480  
*Attorneys for Complainant*

Board of Vocational Nursing  
and Psychiatric Technicians

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND  
PSYCHIATRIC TECHNICIANS DEPARTMENT OF  
CONSUMER AFFAIRS STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-2450

**SHAMONICA CHARISE GORDON  
172 Shoreline Drive  
Pittsburg, CA 94565**

**A C C U S A T I O N**

**Vocational Nurse License No. VN 247247**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 6, 2010, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 247247 to Shamonica Charise Gordon (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section **118(b)** of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

5. Section **2875** of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

## STATUTORY PROVISIONS

6. Section **490** of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

7. Section **2878** of the Code states in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

• • •

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

• • •

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

• • •

## COST RECOVERY

8. Section **125.3** of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FACTUAL SUMMARY**

2 9. On or about December 14, 2009, Respondent was arrested for shoplifting at a JC  
3 Penney store in Alameda County, California, after loss prevention officers observed her  
4 concealing perfume bottles in a Nordstrom's bag and then leaving the store with those items.  
5 Respondent admitted to the arresting officers that she had taken three bottles of perfume from the  
6 store.

7 10. In or about April, 2010, Respondent wrote a letter notifying the Board of her arrest.  
8 In the letter, Respondent falsely stated that it was Respondent's friend, not Respondent, who had  
9 taken the perfume.

10 11. Based on this offense and arrest, on or about May 5, 2010, in Alameda Superior Court  
11 Case No. 132350, Respondent was convicted of having violated California Penal Code section  
12 484/666 (petty theft with one or more prior convictions of petty theft).

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Criminal Conviction)

15 12. Respondent is subject to disciplinary action under sections 490 and 2878(f) of the  
16 Code in that she has been convicted of crimes substantially related to the qualifications, functions,  
17 and duties of a licensed vocational nurse, as set forth above in paragraphs 9 - 11.

18 **SECOND CAUSE FOR DISCIPLINE**

19 (Dishonest Acts)

20 13. Respondent is subject to disciplinary action under section 2878(j) of the Code in that  
21 she committed acts involving dishonesty that were related to the duties and functions of the  
22 licensee, as set forth above in paragraphs 9 - 11.

23 **DISCIPLINARY CONSIDERATIONS**

24 14. To determine the degree of discipline, if any, to be imposed on Respondent,  
25 Complainant alleges the following aggravating circumstances:

26 15. On or about August 5, 2003, in Contra Costa Superior Court case number 137037-8,  
27 Respondent was convicted of having violated California Penal Code section 484 (petty theft).

28 16. On or about May 24, 2001, in Contra Costa Superior Court case number 121835-3,

1 Respondent was convicted of having violated California Vehicle Code section 12500(a) (driving  
2 without a valid driver's license).

3 17. On or about May 24, 2001, in Contra Costa Superior Court case number 1235266,  
4 Respondent was convicted of having violated California Penal Code section 415(l) (fighting in  
5 public).

6 18. On or about December 15, 1998, in Contra Costa Superior Court case number  
7 107543-3, Respondent was convicted of having violated California Penal Code section  
8 242/243(a) (battery).

9 19. On or about December 3, 2009, the Board notified Respondent that it would approve  
10 Respondent's application for licensure notwithstanding Respondent's criminal record. The letter  
11 specified that any future criminal conduct would result in disciplinary action. Respondent's arrest  
12 at JC Penny, described above in paragraph 9, occurred eleven days after this letter was sent.

13 **PRAYER**

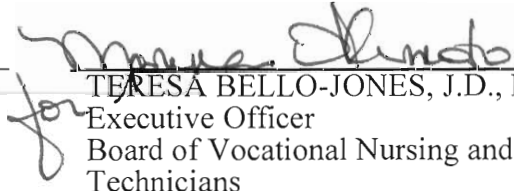
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, Board of Vocational Nursing and Psychiatric Technicians issue a  
16 decision:

17 1. Revoking or suspending Vocational Nurse License Number VN 247247, issued to  
18 Shamonica Charise Gordon;

19 2. Ordering Shamonica Charise Gordon to pay the Board of Vocational Nursing and  
20 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
21 pursuant to Business and Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: April 6, 2011.

24   
25 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
26 Executive Officer  
27 Board of Vocational Nursing and Psychiatric  
28 Technicians  
Department of Consumer Affairs  
State of California  
Complainant